

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND

08/655/36

1 Date of Request: <u>5/15/06</u>	2 Serial/Patent # <u>08 655,956</u>		
3 Please refund the following fee(s):			
Filing	4 PAPER NUMBER		
Amendment	5 DATE FILED		
Extension of Time	6 AMOUNT		
Notice of Appeal/Appeal	\$		
Petition	\$ 200		
Issue	\$		
Cert of Correction/Terminal Disc.	\$		
Maintenance	\$		
Assignment	\$		
Other	\$		
7 TOTAL AMOUNT OF REFUND			
8 TO BE REFUNDED BY:			
10 REASON:	Treasury Check		
Overpayment	Credit Deposit A/C #:		
Duplicate Payment	9 <u>06-0916</u>		
No Fee Due (Explanation):			
<u>No Fee Due</u>			
11 REFUND REQUESTED BY: <u>Mark Polak</u>			
TYPED/PRINTED NAME: <u>Mark Polak</u>		TITLE: <u>Legal Advisor</u>	
SIGNATURE: <u>Mark Polak</u>		PHONE: <u>2-7709</u>	
OFFICE: <u>USPTO</u>		*****	
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APPROVED: <u>CHB</u>		DATE: <u>5/16/06</u>	

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

Office of Finance
Refund Branch
Crystal Park One, Room 802B



PATENT
Customer No. 22,852
Attorney Docket No. 06502.0435

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Bruce Tognazzini) Confirmation No.: 8272
Application No.: 08/655,136) Group Art Unit: 3621
Filed: May 30, 1996) Examiner: Calvin L. Hewitt II
For: CATALOG PHONE SALES)
TERMINAL)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PRE-GRANT APPLICATION FOR PATENT TERM ADJUSTMENT

In accordance with 37 C.F.R. § 1.705(b), Applicant hereby applies for patent term adjustment under 35 U.S.C. § 154(b) of 1188 days, to bring the total patent term extension up to 1569 days. This application is being filed with the issue fee payment, as required by 37 C.F.R. § 1.705(b).

I. Statement of the Facts Involved

A. Correct Patent Term Extension

Applicant received the Determination of Patent Term Adjustment with the Notice of Allowance and Fee(s) Due mailed from the Patent and Trademark Office (PTO) on October 12, 2005, stating that this application is entitled to 381 days of patent term

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12 FC:1455 200.00 0P

1 Adjustment date: 05/16/2006 CKHLOK
01/03/2006 MBEYENE2 00000002 08655136
01 FC:1501 -1400.00 0P

1 Repn. Ref: 05/16/2006 CKHLOK 0010390700
DA#:060916 Name/Number:08655136
FC: 9204 \$1400.00 CR

time. Thus, Applicant does not believe that any reduction of the period of delay is necessary under 37 C.F.R. § 1.701(d). Accordingly, the period of delay associated with the second successful appeal is 381 days (i.e., the period from June 15, 2004 to June 30, 2005).

Correct Patent Term Extension

For the foregoing reasons, the total patent term extension based on delay is 1,188 days for the first successful appeal and 381 days for the second successful appeal, resulting in a total patent term extension of 1,569. This term of extension does not exceed 1825 days, or five years. 37 C.F.R. § 1.701(b). Because the PTO calculated an extension of just 381 days, Applicant respectfully requests that the current patent term extension be reconsidered and corrected.

B. Terminal Disclaimer

The above-identified application is not subject to a Terminal Disclaimer.

II. Fee

As required by 37 C.F.R. § 1.705(b)(1), this application is accompanied by a check for \$200.00 to cover the required fee. Please charge any deficiencies to our Deposit Account No. 06-0916. If there are any other fees due in connection with the filing of this request, please charge them to our Deposit Account No. 06-0916.